IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 54832-M of 2006

DATE OF DECISION : 12.09.2006

Mukesh Kumar

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Ravinder Malik, Advocate,
for the petitioner.

* * *

This is third petition filed by Mukesh Kumar for the grant of regular bail in case FIR No. 637 dated 26.11.2005 under Sections 392, 395, 397, 435, 201 IPC and 25, 54, 59 of the Arms Act, registered at Police Station City Panipat, District Panipat. His earlier two petitions were dismissed by this Court on 17.4.2006 and 10.8.2006.

In this case, not only the petitioner was identified by the complainant during the investigation, but a pistol was also recovered from him. Keeping in view the nature of allegations and the recovery, bail to the petitioner was not granted.

Counsel for the petitioner contends that co-accused of the petitioner, namely Gulshan, from whom only a mobile was recovered, has been granted bail by this Court vide order dated 25.8.2006 passed in Crl. Misc. No. 45293-M of 2006. It appears that at the time of grant of bail to co-accused, the fact regarding dismissal of two bail applications of the petitioner was not brought to the notice of the Court. Even otherwise, I am of the opinion that case of the petitioner is not based on parity to the case of his co-accused Gulshan, as in this case, pistol has been recovered from the petitioner.

Dismissed.

September 12, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**